## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION No. 4:13-CV-31-D

DAVID STOTT,	)
Plaintiff,	)
v.	ORDER
C & M ASSOCIATES GROUP, INC., and Does 1 through 10,	) ) )
Defendants.	)

On February 7, 2013, plaintiff, through counsel, filed his complaint [D.E. 1]. On February 7, 2013, the Clerk of Court issued civil summonses for service on defendants [D.E. 3]. On June 19, 2013, the Clerk of Court sent notice to plaintiff of failure to make service within 120 days of the filing of the complaint [D.E. 5]. On August 21, 2013, the court ordered plaintiff to file an explanation for his conduct not later than August 30, 2013 [D.E. 6] and warned plaintiff that the failure to respond to this order could result in sanctions, including dismissal of this action without prejudice. See id.; Fed. R. Civ. P. 4(m).

Plaintiff has not responded to the court's August 21, 2013 order or served the summons and complaint within 120 days of the filing of the complaint. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, the action is dismissed without prejudice. See Fed. R. Civ. P. 4(m).

SO ORDERED. This 6 day of September 2013.

JAMES C. DEVER III
Chief United States District Judge